IN THE UNITED STATES DISTRICT COURT	T
FOR THE DISTRICT OF NEBRASKA	

JOHN ZAPATA,	)	CASE NO. 4:10CV3240
Plaintiff,	)	) ) ) MEMORANDUM ) AND ORDER
V.	) )	
RICK ROBERTS, et al.,	j	
Defendants.	)	

This matter is before the court on Defendants Sheridan County, Nebraska, Terry Robbins, Richard Anderson, and Scott DeCoste's Motion for Protective Order. (Filing No. <u>26</u>.) In their Motion, Defendants argue, among other things, that discovery should be stayed until the court rules on their Motion for Summary Judgment. (<u>Id.</u>)

The court's Local Rules exempt pro se cases (such as this one) from the requirements of Federal Rule of Civil Procedure 26. <a href="NECivR 16.1(c)">NECivR 16.1(c)</a>. In addition, in pro se cases, "[a]pproximately 30 days after the last defendant files an answer, the court issues a progression order addressing discovery and other issues. *No discovery may take place until this progression order is entered except upon motion and order.*" <a href="Id">Id</a>. (emphasis added). Some Defendants have yet to file answers in this matter, and the court has not entered a progression order. (See <a href="Docket Sheet">Docket Sheet</a>.) Thus, in accordance with the court's Local Rules, no discovery may take place at this time and no protective order is necessary.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> To the extent Plaintiff has already served discovery requests upon Defendants, Defendants need not respond to them. If a progression order is later entered in this matter, Plaintiff will be required to re-serve his discovery requests in accordance with that progression order.

IT IS THEREFORE ORDERED that: the Motion for Protective Order (Filing No. <u>26</u>) is denied, in accordance with this Memorandum and Order.

DATED this 3<sup>rd</sup> day of February, 2011.

BY THE COURT:

s/Laurie Smith Camp United States District Judge

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